



10,086,647

Patent  
Attorney Docket: 256/248

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 256/248  
First Named Inventor: KOHR, William J.  
Prior Application Information:  
Serial No. 09/650,319  
Examiner: T. McGuthry Banks  
Art Unit: 1742Assistant Commissioner for Patents  
Box Patent Application  
Washington, D. C. 20231

## FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

☒ continuation☐ divisional☐ continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 09/650,319 filed on August 29, 2000, which is a continuation-in-part of U.S. Patent Application Serial No. 09/212,579, filed on December 14, 1998, by

William J. Kohr, Vandy Shrader, and Chris Johansson, entitled:

## HIGH TEMPERATURE HEAP BIOLEACHING PROCESS

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## I. APPLICATION ELEMENTS ENCLOSED

- 59 Page(s) of Written Description  
9 Page(s) of Claims  
1 Page(s) of Abstract  
9 Sheet(s) of Drawings ☒ formal ☐ informal  
2 Page(s) of ☐ Declaration or ☒ Declaration and Power of Attorney  
☒ Copy from prior application [37 CFR §1.63(d)]  
☐ Newly executed

Other:

LA228829.1

CERTIFICATE OF MAILING  
(37 C.F.R. §1.10)

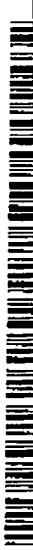
I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

EL 740478036 US  
Express Mail Label No.February 28, 2002  
Date of Deposit

Dora Demers

Name of Person Mailing Paper

Dora Demers  
Signature of Person Mailing Paper



STONEMAN'S ISLAND

MAR 04 2002

SEE REVERSE SIDE FOR  
SERVICE GUARANTEE AND LIMITS  
ON INSURANCE COVERAGE

☐ **WAIVER OF SIGNATURE** (Carists Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent. If delivery employee judges that article can be left in secure location and I authorize delivery employee to store item, observations valid proof of delivery.

## Holiday

Federal Agency: A-01, Box 6  
Agency Service Area: 140

**TO: PLEASE PRINT**

**TO: PLEASE PRINT**

Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231

**POST OFFICE  
TO ADDRESSEE**

ORIGIN (POSTAL USE ONLY)

PO-217, Code	Day of
1	1

☐                     

1941	1942	1943	1944	1945	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349</
------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	--------

17

10

Light	1
Tree 1	1

100

WAGHE  
AM  
FM  
L711 AFB

10

Account	bal. f. 008.
No Dollars	

<div style="display: flex; justify-content: space-between;"> <div> <p> <input type="checkbox"/> </p> </div> <div> <p> <input type="checkbox"/> </p> </div> </div>
---

☐ Weekend ☐ Holiday

**DISCOUNTS AVAILABLE**

**METHOD OF PAYMENT:** K95

Express Mail Corporation's Agent 1/6

FROM: PLEASE PRINT

REV.

NO. 7 2 LYON

639  
EEG  
H  
H  
H  
H

LOS ANGELES



**LYON & LYON LLP**  
**633 West Fifth Street,**  
**Suite 4700**  
**Los Angeles, CA 90071**

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Applicant: William J. KOHR et al.  
Serial No.: 09/650,319  
For: HIGH TEMPERATURE HEAP BIOLEACHING PROCESS  
Filed: August 29, 2000  
**FILING UNDER 37 CFR § 1.53(b)**

Attorney(s): David A. Randall  
Docket No.: 256/248  
Date of Deposit: February 28, 2002; Express Mail No. EL 740478036 US  
Enclosure(s): Transmittal; 59 pages written description; 9 pages claims; 1 page abstract; 9 sheets formal drawings; copy of Declaration and Power of Attorney; copy of Assignment; copy of Certificate of Merger; copy of Request for Extension of Time; postcard.

LA-228877.1

**RECEIVED**  
MAY 16 2002  
**TC 1700**



**LYON & LYON** LLP  
A LIMITED LIABILITY PARTNERSHIP  
INCLUDING PROFESSIONAL CORPORATIONS  
633 West Fifth Street, Suite 4700  
Los Angeles, California 90071  
Phone: (213) 489-1600  
Fax: (213) 955-0440

---

**FACSIMILE TRANSMITTAL FORM**

---

<b>To:</b> T. McGuthry Banks PTO Examiner	<b>Fax Number:</b> (703) 308-1917	<b>Phone Number:</b> (703) 872-9646
<b>From:</b> David A. Randall	<b>Direct Fax No.:</b> (213) 955-0440	<b>Direct Dial No.:</b> (213) 489-1600
<b>Re:</b> Kohr, 256/248, USSN 09/650,319	<b>Date/Time sent:</b> 4/30/02 10:11 AM	<b>No. of Pages:</b> 104
<b>Client Name:</b> GeoBiotics, Inc.	<b>Client Matter No.:</b>	

---

If you do not receive all of the pages, please call Yolanda Ybuan at (213) 489-1600, extension 3719.

**Notes/Comments:**

Attached is a copy of the Continuation application that was mailed to the PTO on February 28, 2002.

**RECEIVED**  
MAY 16 2002  
TC 1700

---

**TO BE COMPLETED BY FAX OPERATOR**

---

TIME TRANSMITTED: \_\_\_\_\_ TRANSMITTED BY: \_\_\_\_\_

---

*This transmittal is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this transmittal is not the intended recipient or the employee or agent responsible for delivering the transmittal to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us by mail at the above address. Thank you.*

Patent  
Attorney Docket: 256/248

- ☒ The present application is owned by GeoBiotics, LLC. A copy of the Assignment from the inventors to Geobiotics, Inc. recorded on December 26, 2000 at Reel 011386, Frame 0964 to 0968 against parent application Serial No. 09/650,318, filed August 29, 2000 is enclosed. Also enclosed is a copy of a Certificate of Merger from the Secretary of State for the State of Delaware certifying that Geobiotics, Inc. merged with and into GeoBiotics, LLC and which was recorded on July 23, 2001, at Reel 012002, Frame 0001 to 0005 against parent application Serial No. 09/650,319.
- ☐ An Information Disclosure Statement, PTO 1449, ☐ with copies of cited items.
- ☐ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

## II. FEE CALCULATION

- ☐ Applicant claims small entity status under 37 CFR 1.27.

<b>BASIC FILING FEE:</b>							\$740.00
Total Claims	39	-	20	=	19	x \$18.00	\$342.00
Independent Claims	2	-	3	=	0	x \$84.00	\$0.00
Multiple Dependent Claims	\$280	(if applicable)				<input checked="" type="checkbox"/>	\$280.00
<b>TOTAL OF ABOVE CALCULATIONS</b>							\$1,362.00
Reduction by ½ for Filing by Small Entity.							<input type="checkbox"/> \$0.00
Misc. Filing Fees (Recordation of Assignment)							\$0.00
<b>TOTAL FEES DUE HEREWITH</b>							\$1,362.00

## III. PRIORITY - 35 USC § 119

- ☐ Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in Country is claimed under 35 USC § 119.
- ☐ The certified copy has been filed in prior U.S. application Serial No. \_\_\_\_\_ on \_\_\_\_\_.
- ☐ The certified copy will follow.

## IV. AMENDMENTS

- ☐ Cancel in this application original Claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)
- ☐ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

Patent  
Attorney Docket: 256/248

V. **RELATE BACK - 35 USC § 120**

- ☒ The present application is a continuation of U.S. Patent Application Serial No. 09/650,319, filed August 29, 2000, which is a continuation-in-part of U.S. Patent Application Serial No. 09/212,579, filed December 14, 1998, now U.S. Patent No. 6,110,253.
- ☒ Relate back information included in preliminary amendment or specification.
- ☐ Please amend the specification as follows:  
[Enter continuing data here]
- ☒ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
- ☒ the same.
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:  
[Name(s) of inventor(s) to be deleted]

VI. **METHOD OF PAYMENT OF FEES**

- ☐ Attached is a check in the amount of \_\_\_\_\_.
- ☐ Charge Lyon & Lyon's Deposit Account No. 12-2475 in the amount of \_\_\_\_\_.
- ☒ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

VII. **AUTHORIZATION TO CHARGE ADDITIONAL FEES**

The Commissioner is hereby authorized to credit Lyon & Lyon's Deposit Account No. 12-2475 for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 12-2475:

- ☐ 37 CFR § 1.16 (Filing fees and excess claims fees)
- ☐ 37 CFR § 1.17 (Application processing fees)
- ☐ 37 CFR § 1.21 (Assignment recordation fees)

Patent  
Attorney Docket: 256/248

### VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS

- ☐ The power appears in the original papers in the prior application.
- ☒ The power does not appear in the original papers, but was filed on December 26, 2000 in prior application Serial No. 09/650,319. A copy of which is enclosed.
- ☐ A new power has been executed and is attached.

Please send all correspondence to Customer Number 22249:



22249

PATENT TRADEMARK OFFICE

LYON & LYON LLP  
Suite 4700  
633 W. Fifth Street  
Los Angeles, CA 90071  
(213) 489-1600

Please direct all inquiries to David A. Randall, at the above Customer Number.

### IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

- ☒ A petition, fee and response has been filed to extend the term in the pending **prior** application until February 28, 2002. A copy of the petition for extension of time in the **prior** application is attached.
- ☐ A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

Patent  
Attorney Docket: 256/248

**X. ABANDONMENT OF PRIOR APPLICATION**

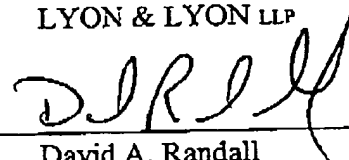
- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

LYON & LYON LLP

Dated: February 28, 2002

By:



David A. Randall  
Reg. No. 37,217

Enclosures

GEOBIOTICS, LLC  
Name of Assignee

12211 West Alameda Parkway, Suite 101, Lakewood, Colorado 80228  
Address of Assignee

Desmond P. Kearns  
Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO on December 26, 2000, Reel 011386, Frame 0964